

## **REMARKS**

### **Summary of the Office Action**

In the Office Action, claims 1, 2, 4 and 5 now stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,168,270 to Masumori et al. (hereinafter "Masumori").

Claims 7, 8, 11, 12 and 15 now stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Masumori in view of the alleged "prior art Figs. 1-3."

Claims 1, 2, 4, 5, 7, 8, 11, 12 and 15 remain rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,333,729 to Ha (hereinafter "Ha") in view of Masumori.

Claims 3, 6, 9, 10, 13 and 14 remain objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form.

Claims 16-19 remain allowed.

### **Summary of the Response to the Office Action**

Applicants have amended claims 1, 7, 10, 11, 14 and 15, and canceled claims 3 and 9. Accordingly, claims 1, 2, 4-8 and 10-19 remain pending for consideration.

### **Rejections under 35 U.S.C. §§ 102(b) and 103(a)**

Claims 1, 2, 4 and 5 now stand rejected under 35 U.S.C. § 102(b) as being anticipated by Masumori. Claims 7, 8, 11, 12 and 15 now stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Masumori in view of the alleged "prior art Figs. 1-3." Claims 1, 2, 4, 5, 7, 8, 11, 12 and 15 remain rejected under 35 U.S.C. § 103(a) as being unpatentable over Ha in view of Masumori.

Applicants respectfully submit that it appears that the Office Action's reapplication of

the rejections of claims 1, 2, 4, 5, 7, 8, 11, 12 and 15 under 35 U.S.C. § 103(a) as being unpatentable over Ha in view of Masumori was made in error because a detailed traversal of this rejection was included in the response filed on June 1, 2004, explaining why Ha is not a proper reference in light of the relatively recent revisions to 35 U.S.C. § 103(c). The latest Office Action did not respond to these particular arguments. Accordingly, Applicants respectfully request the withdrawal of this rejection in the next Office Communication for at least the reasons explained in detail in the previous response filed by Applicants on June 1, 2004.

The remaining rejections under 35 U.S.C. §§ 102(b) and 103(a) have now been rendered moot by the concurrently-filed amendments to the claims. In particular, the Office Action has indicated that 3, 6, 9, 10, 13 and 14, while objected to as being dependent upon a rejected base claim, would be allowable if rewritten in independent form

Accordingly, Applicants have amended independent claim 1 to include the allowable features of dependent claim 3. As a result, claim 3 has been canceled without prejudice or disclaimer. Also, independent claim 7 has been amended to include the allowable features of dependent claim 9. As a result, claim 9 has been canceled without prejudice or disclaimer. Moreover, dependent claim 10 has been amended to be written in independent form, including the features of its base claim 7, thus also placing claim 10 in condition for allowance. As a result, claims 11, 14, and 15 have been amended to now be dependent on newly-amended independent claim 10.

Accordingly, Applicants respectfully submit that newly-amended independent claims 1, 7 and 10 are now in prima-facie condition for allowance in light of the Office Action's indication of allowable subject matter. Furthermore, Applicants respectfully assert that dependent claims 2, 4-6, 8 and 10-15 are allowable at least because of their dependence from independent claims 1, 7

or 10, as amended, respectively, and the reasons set forth above. Accordingly, Applicants respectfully request that all outstanding objections and rejections to the claims be withdrawn for at least the foregoing reasons. Moreover, the Examiner is thanked for the indication that claims 16-19 are allowed.

**Submission of Replacement Drawing Sheets filed on June 1, 2004**

A Submission of Replacement Drawing Sheets was filed on June 1, 2004. While the latest Office Action has withdrawn the previous drawing objections, the Examiner has not explicitly indicated approval of the Replacement Drawing Sheets filed on June 1, 2004. Accordingly, Applicants respectfully request that the Examiner make such an indication in the next Office communication.

**CONCLUSION**

In view of the foregoing, Applicants respectfully request reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required,

including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Dated: February 22, 2005

By:

A handwritten signature in black ink, appearing to read "Paul A. Fournier", is written over a horizontal line.

Paul A. Fournier

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